

Conditions Voluntarily Proffered for the Reclassification of Property Identified as Tax Map 30, Parcel 137

I hereby voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

1. Development of the property shall be limited to single family detached homes and associated streets, open space, infrastructure and accessory buildings and structures. The development shall generally be accomplished in accordance with the overall "Conceptual Development Plan" dated January 1999, prepared by John E. Matthews & Associates, and submitted to the County of York as part of this zoning application. There shall be no more than seven (7) driveways providing access from the residential development onto Yorkville Road (State Route 658) and each driveway shall be capable of serving more than one (1) lot.
2. Development of the property shall be accomplished as an open space/cluster development pursuant to the terms of Article IV, Division 1, Section 24.1-402 of the York County Zoning Ordinance.
3. Pursuant to the guidance provided in the 1991 County Comprehensive Plan "Charting the Course to 2010", which designates the parcel for low density single family residential development, a maximum density of one dwelling unit per acre, and a maximum of 25 lots, shall be allowed notwithstanding the requested zoning designation of "R20 - Medium Density Single Family".
4. Owner shall incorporate and form a homeowners association (the "Association") as part of the development process. The Association shall own and control such common open space as may be dedicated to it by the developer of the parcel.
5. Owner agrees to constitute, through the Association, a neighborhood crime watch program as part of the original activities of the Association through the cooperation of the appropriate County Law Enforcement Agency.
6. Subject to the approval of the York County Board of Supervisors of the requested rezoning and subsequent approval of the proposed open space /cluster subdivision, the Owner or subsequent developer agrees to give and donate the sum of Five Hundred and 00/100 Dollars (\$500.00) per lot to the Association, which sum shall be paid into an interest bearing escrow account at the time of sale of each such residential lot and which sum shall be used solely for maintenance and improvements to the subdivision's open space and recreational areas.
7. As part of the development of the subject property Owner will, subject to the approval of the County, clear the underbrush within the proposed "greenbelt" located adjacent to the right-of-way of Yorkville Road in an effort to respond to County Staff comments relative to increasing site distances along the road.

8. At a minimum owner will clear the ten-foot right-of-way adjacent to Yorkville Road to be dedicated to the County as part of the subdivision process pursuant to the Provisions of Section 20.5-93.
9. At a minimum each proposed home with a driveway providing access to Yorkville Road shall have an all weather turnaround on the lot and adjacent to the lot driveway. Such turnaround shall be of sufficient dimensions to allow the typical vehicles associated with a single family dwelling to accomplish a 180 degree turn on the lot, normally through a standard three point turn, so as to discourage the possibility of backing onto the adjacent roadway.
10. If the rezoning request contemplated by the application referenced herein and attached hereto is not approved by the York County Board of Supervisors, these Proffers shall become null and void and of no effect whatsoever on the subject property.

Owner: Moore & Sarfan Associates, a Virginia General Partnership

By: Mayer A. Sarfan
Mayer A. Sarfan, General Partner

Date: March 1, 1999